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## **VIA ECF AND BY HAND DELIVERY**

Hon. John G. Koeltl  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *Roche Freedman LLP v. Jason Cyrulnik*, No. 1:21-cv-1746 (S.D.N.Y.)**

Dear Judge Koeltl:

I write as new trial counsel for Roche Freedman LLP (“Plaintiff”), Kyle Roche, Devin Freedman, Amos Friedland, and Edward Normand (the “Individual Counterclaim-Defendants”) and, with Plaintiff, the “Counterclaim-Defendants”) to respectfully request that the pre-trial deadlines set in Docket Nos. 539 and 542 be extended until February 27, 2024.

As Your Honor knows, I am newly retained as trial counsel for the Counterclaim-Defendants (Dkt. Nos. 547, 548). I understand that the parties previously requested an extension of time to complete the pre-trial deadlines to February 27, 2024. Dkt. No. 541. Your Honor granted that relief in part, extending the deadlines to January 26, 2024. Dkt. No. 542. As new trial counsel, I respectfully request that Your Honor reconsider in light of the new circumstances described here and extend that deadline to February 27, 2024. I have consulted with Defendant-Counterclaim Plaintiff’s counsel, who advised they have no objection to this request.

*First*, the parties have agreed to pursue a mediation, which will commence on January 5, 2024. However, if the mediation continues past January 5 (which we are hopeful it will), the parties will not be able to resume the mediation until the end of January/beginning of February because of scheduling issues for the mediator and some participating counsel. We want to ensure that there is a productive and full opportunity for mediation that may potentially resolve the case without incurring the additional burden of other litigation obligations. Extending the pretrial deadlines to February 27, 2024, will allow the parties to focus on the mediation and not have to expend resources on pre-trial filings that may be mooted by a successful mediation.

*Second*, as recently retained trial counsel, we want to be able to do our best job in representing the Plaintiff and Individual Counterclaim-Defendants in a potential trial. There is a voluminous record in this case, including 18 deposition transcripts, multiple expert reports, and thousands of documents. And the pre-trial submissions may also prove voluminous, including

potentially multiple motions in limine on both sides. In order to be able to provide our new clients with the best representation possible, we are therefore respectfully requesting one additional month to complete the pretrial submissions.

As always, we appreciate the Court's consideration.

Respectfully,

/s/ Randy M. Mastro

Randy M. Mastro

Cc: All counsel of record (via ECF)